

EXHIBIT B3



Publishers can file separate claims alleging Google monopolizes digital ad markets, judge says

Insight | 4 Feb 21 | 21:59 GMT

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In Brief

Publishers accusing Google of illegally monopolizing US digital-advertising markets can file a complaint separate from that of digital advertisers, a federal judge in California said. But their antitrust claims will remain part of the same case, US District Judge Beth Labson Freeman said.

Publishers accusing Google of illegally monopolizing US digital-advertising markets will be allowed to file a complaint separate from digital advertisers, a federal judge in California said today.

But advertiser and publisher claims will remain part of the same case, US District Judge Beth Labson Freeman in San Jose said. There may be different classes in the case, but their claims are not "significantly different," she said.

"Let me be really clear — once I have the pleadings cleared it would be my intention to consolidate all of these cases into a single action," she said.

Publishers can now begin the process of selecting interim lead counsel and submitting applications by Feb. 25, she said. After publishers file their separate complaint, Labson Freeman said she will consider a single motion to dismiss.

Publishers had asked last week to file separate complaints and that they be consolidated into a separate case from that of the advertisers (see [here](#)). Many of the advertiser and publisher claims overlap, and argue that Google's monopolistic conduct has increased the amount Google can charge for products across the ad tech stack, they said.

But publishers and advertisers are on opposite sides of the "ad tech stack," with Google in the middle, creating tensions that necessitate separate actions, publishers said.

Google attorney John Schmidlein said he agreed that advertisers and publishers should file separate complaints, but he also wanted the claims to remain in the same action.

"And ... if we ever get past the pleading stage, and the cases go into discovery, the cases should be subject to the type of tight, single-schedule coordination that consolidation affords," he said.

The case could be complicated if Google's requested to transfer an antitrust lawsuit filed in Texas by the Texas attorney general is granted and it lands before her, Labson Freeman said. But that's unlikely, she said.

"I'm not going to hold my breath on the Texas action coming here," she said.

Labson Freeman scheduled the next case management conference for April 8.

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